

1 MICHAEL FOLEY  
2 209 S. Stephanie St. Ste. B-191  
3 Henderson, NV 89012  
4 Telephone: (702) 771-9725  
5 Plaintiff Pro Se

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
NOV 17 2017	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	RECEIVED

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

11 MICHAEL FOLEY, ) Case No. 2:17-cv-01024-JCM-VCF  
12 Plaintiff, )  
13 vs. )  
14 Sylvia Teuton, an individual; James )  
15 Harris, an individual; Kenneth Bourne, an )  
16 individual; Joseph Lombardo, an )  
17 individual; Steven Wolfson, an individual; )  
18 Steven Grierson, Court Clerk; Clark )  
19 County Detention Center; Clark County, a )  
20 political subdivision of the State of )  
21 Nevada; Patricia Foley, an individual; )  
22 DOES 1-100 and ROES 101-200, )  
23 Defendants. )

**UNOPPOSED MOTION TO EXTEND  
TIME TO FILE RESPONSE TO  
DEFENDANT STEVEN GRIERSON'S  
MOTION TO DISMISS**

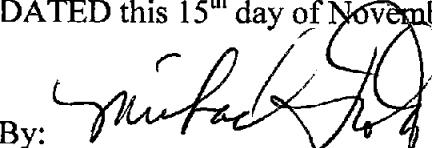
22 COMES NOW, Plaintiff Michael Foley, and hereby moves the Court to extend the  
23 time to respond to Defendant Steven Grierson's MOTION TO DISMISS. This motion is  
24 filed unopposed. This is the first request for extension of time.

25 On or about November 8, 2017, Defendant Steven Grierson filed his MOTION TO  
26 DISMISS the Plaintiff's complaint. The Plaintiff did not receive the motion until  
27 November 13, 2017, and counsel for the defendant has agreed to not oppose this motion.  
28 See the email correspondence, Exhibit "1."

1 Therefore, the Plaintiff respectfully requests that the Court extend the deadline for  
2 filing the response to November 28, 2017.

3

4 DATED this 15<sup>th</sup> day of November, 2017.

5 By:   
6

7 Michael Foley  
209 S. Stephanie St. Ste. B-191  
8 Henderson, Nevada 89012

9

10 **ORDER**

11 IT IS SO ORDERED:

12   
13 UNITED STATES DISTRICT JUDGE

14

15 DATED: November 27, 2017

16

17 **CERTIFICATE OF SERVICE**

18 The undersigned hereby certifies that the foregoing UNOPPOSED MOTION TO  
19 EXTEND TIME TO FILE RESPONSE TO DEFENDANT STEVEN GRIERSON'S  
20 MOTION TO DISMISS was served by first class mail on November 15, 2017 to the  
21 following:

22 Lucinda Coumou, Deputy District Attorney  
23 500 Grand Central Parkway  
24 P.O. Box 552215  
25 Las Vegas, Nevada 89155-2215  
26 Attorney for Defendants Kenneth Bourne  
27 and James Harris

28 Steven G. Shevorski, Amanda C. Sage,  
29 Deputies Attorney General  
30 555 E. Washington Ave. Ste. 3900  
31 Las Vegas, Nevada 89101  
32 Attorney for Defendants Sylvia Teuton and  
33 Steven Grierson

34 SIGNED,

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37 MICHAEL FOLEY, Plaintiff Pro Se

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## **Exhibit “1”**

## RE: Foley v. Teuton

Amanda C. Sage <ASage@ag.nv.gov>

Wed 11/15/2017 4:02 PM

To: 'Michael Foley' <foley1769@LIVE.COM>; Lucinda Coumou <Lucinda.Coumou@clarkcountyda.com>;

Mr. Foley –

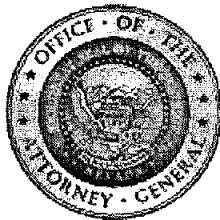
Just to repeat what we discussed on the phone, you need to file a motion for extension of time, not a stipulated motion for your request. In that motion you are free to let the court know that I have no objection to your request for extension of time to respond to Mr. Grierson's motion to dismiss.

As for the scheduling conference, I am free Friday of this week, any time on Monday, November 20, or the morning of November 21. Ms. Coumou – do any of those dates and times work for you?

Thank you,

*Amanda C. Sage*

Deputy Attorney General, Post-Conviction Unit  
Office of the Nevada Attorney General  
100 N. Carson St.  
Carson City, Nevada 89701  
(775) 687-2141



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**From:** Michael Foley [mailto:foley1769@LIVE.COM]  
**Sent:** Wednesday, November 15, 2017 2:24 PM  
**To:** Amanda C. Sage <ASage@ag.nv.gov>; Lucinda Coumou <Lucinda.Coumou@clarkcountyda.com>  
**Subject:** Re: Foley v. Teuton

Thank you Ms. Sage.

If you don't mind, I'd like to formalize the extension by stipulation. I would file the stipulation today, but I don't have electronic access on this case yet. I would use the following language IF I could submit the stipulation electronically. If I can't have you submit it, then I will have to file a motion and use this email exchange to support it.

The language I would use would be substantially the following:

**STIPULATION AND ORDER FOR EXTENSION OF TIME FOR PLAINTIFF MICHAEL FOLEY TO FILE A RESPONSE TO DEFENDANT STEVEN GRIERSON'S MOTION TO DISMISS**

Pursuant to FRCP 6(b) and Local Rule 7-1, the undersigned parties respectfully request that the Court extend the current deadline for Plaintiff Michael Foley to respond the Defendant Steven Grierson's MOTION TO DISMISS to November 28, 2017. This is the parties' first request for an extension of time. The subject MOTION TO DISMISS was filed on November 8, 2017, but not received by the Plaintiff until November 13, 2017. The current deadline is \_\_\_\_\_. The Plaintiff does intend to formally request access to CM/ECF to timely file and receive notifications electronically.

Therefore, the parties respectfully request that the Court approve this stipulation.

DATED this 15th day of November, 2017.

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DISTRICT COURT JUDGE

By: Michael Foley  
Michael Foley  
209 S. Stephanie St. Ste B-191  
Henderson, Nevada 89012

By: Amanda C. Sage  
Amanda C. Sage  
Nevada Bar No. 13429  
555 E. Washington Ave. Ste. 3900  
Las Vegas, Nevada 89101  
Attorney for Defendant Steven Grierson

Please let me know if you are willing to do this from your end. If you can't, then I will submit a MOTION to the court through the mail.

As far as having a rule 26 conference, please let me know when is a good time for you and Ms. Coumou to do this telephonically. I'll copy her on this message. I was at the Clerk's office on Monday, and examined this case for current status, and yesterday I received *another* Klingele notice, so if you are representing ANY other defendants who have filed a motion to dismiss since last week, please let me know because apparently there is something delaying my mail.

Thank you.

Sincerely,

Michael Foley

702-771-9725

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**From:** Amanda C. Sage <[ASage@ag.nv.gov](mailto:ASage@ag.nv.gov)>  
**Sent:** Tuesday, November 14, 2017 7:25 AM  
**To:** 'Michael Foley'  
**Subject:** RE: Foley v. Teuton

Mr. Foley,

Thank you for your email. A copy of the motion to dismiss was mailed to you on November 8, 2017, however, I've also attached a copy to this email. I have no objection to a 14 day extension of your time to file a response.

Also, I'm glad you emailed. I've tried contacting you by phone but it looks like you don't have a voicemail box setup. Per Federal Rules of Civil Procedure 26(f), you are required to organize a meeting with all defendants to discuss a schedule for discovery and any potential case resolutions. Under local rules for Nevada's Federal District Court (Local Rule 26-1), this conference should have occurred by November 1, with a written plan submitted to the judge by November 15. This is a rather informal meeting and can occur via phone, but all parties must be included. If you have questions about setting this up, please feel free to contact me at the number below. I will be in my office all day today. Tomorrow and Thursday I'll be in and out but will be checking messages.

Again, thank you for your email.

**Amanda C. Sage**  
Deputy Attorney General, Post-Conviction Unit  
Office of the Nevada Attorney General  
100 N. Carson St.  
Carson City, Nevada 89701  
(775) 687-2141



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**From:** Michael Foley [mailto:[foley1769@LIVE.COM](mailto:foley1769@LIVE.COM)]  
**Sent:** Monday, November 13, 2017 6:30 PM  
**To:** Steven G. Shevorski <[SShevorski@ag.nv.gov](mailto:SShevorski@ag.nv.gov)>; Amanda C. Sage <[ASage@ag.nv.gov](mailto:ASage@ag.nv.gov)>  
**Subject:** Foley v. Teuton

Dear Mr. Shevorski and Ms. Sage,